

HOUSE BILL 1388

By Brooks H

AN ACT to amend Tennessee Code Annotated, Section 8-36-821 and Title 49, relative to tenure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 5, is amended by adding the following language as a new, appropriately designated section:

49-5-5___. Sections 49-5-501 – 49-5-509 shall apply only to teachers hired by LEAs before July 1, 2011.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 5, is amended by adding the following language as a new part 11.

49-5-1101. This part shall govern tenure for teachers initially hired by LEAs on or after July 1, 2011.

49-5-1102. As used in this part, "tenure" means the statutory requirements, conditions, relations and provisions in this part under which a teacher employed by a board holds a position as a teacher under the jurisdiction of and by contract with the board. A tenured teacher is not an at will employee of the board. Administrative and supervisory personnel may have tenure as teachers and not necessarily tenure in the specific type of position in which they may be employed.

49-5-1103.

(a) Upon initial employment by an LEA, a teacher shall be hired as a probationary teacher.

(b) A probationary teacher shall be eligible for tenure status at any time when the teacher has been evaluated as an effective educator for two (2)

consecutive years or, if in the fifth year as a probationary teacher, the teacher is evaluated as an effective educator.

(c) After having gained tenure status, if a teacher is evaluated in any two (2) consecutive years as a less than effective educator, then the teacher shall lose tenure status and return to probationary status. A teacher who, after gaining tenure status, returns to probationary status shall be considered as a first year probationary teacher who may regain tenure status by meeting the requirements of subsection (b).

49-5-1104.

(a) Sections 49-5-511 – 49-5-513 shall apply to tenured teachers.

(b) Any teacher with probationary status on or after July 1, 2011, shall be an employee at will. Sections 49-5-511 – 49-5-513 shall not apply to such teachers.

SECTION 3. Tennessee Code Annotated, Section 49-5-409, is amended by adding the following language as a new subsection (d):

(d) This section shall apply only to teachers hired by an LEA before July 1, 2011.

SECTION 4. Tennessee Code Annotated, Section 49-5-508, is amended by deleting the section in its entirety and by substituting instead the following:

49-5-508. Any tenured teacher who breaks a contract with an LEA on or after July 1, 2011, shall become a first year probationary teacher under part 11 of this chapter, if the teacher is rehired by the LEA or if the teacher is hired by another LEA.

SECTION 5. Tennessee Code Annotated, Section 49-2-203(b)(8), is amended by deleting the words "Provide written notice" and by substituting instead the language "With respect to teachers hired before July 1, 2011, provide written notice".

SECTION 6. Tennessee Code Annotated, Section 49-2-301(b)(1)(J), is amended by deleting the language "Recommend to the board" and by substituting "With respect to teachers hired before July 1, 2011, recommend to the board".

SECTION 7. Tennessee Code Annotated, Section 49-13-117(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b)

(1) The years of service acquired by a teacher while on a leave of absence to teach at a public charter school may, at the discretion of the local board, be used to obtain or determine tenure status. This subdivision (b)(1) shall apply only to teachers hired before July 1, 2011, by the LEA from which leave is taken.

(2) Evaluations obtained by a teacher while on a leave of absence to teach at a public charter school may, at the discretion of the local board, be used to obtain or determine tenure status. This subdivision (b)(2) shall apply to teachers hired on or after July 1, 2011, by the LEA from which leave is taken.

SECTION 8. Tennessee Code Annotated, Section 8-36-821(a)(4), is amended by deleting the language "part 5" and by substituting instead the language "parts 5 and 11".

SECTION 9. This act shall take effect July 1, 2011, the public welfare requiring it.